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OFFICE OF THE
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

NO. 73-1869

PETER H. BEER, ET AL,

Appellants,

versus

UNITED STATES OF AMERICA, ET AL,

and

JOHNNY JACKSON, JR., ET AL,

Appellees.

OPPOSITION TO MOTION TO DISMISS
APPEAL FOR FAILURE TO PROSECUTE

The Appellants hereby oppose the Motion To Dismiss Appeal For Failure to Prosecute filed herein by the Intervenors--Appellees.

Following the noting of Probable Jurisdiction by this Court, Appellants through their Counsel undersigned, sought to avail themselves of the provisions of Rule 36, Paragraphs 4 and 5, and Counsel for the Appellees consented to the use of that procedure. However,. Counsel were discouraged from using that procedure and were urged to agree among themselves on the contents of the single Appendix. Accordingly, a great deal of time was spent by Counsel in reviewing the record below and agreeing upon those matters which should be included in the Appendix and in arranging for the printing of the Appendix which included several maps (one in two colors). Counsel were urged to first file the Appendix

with the Court and to file the Brief as soon as possible. The Appendix (in two Volumes) has been filed herein and served upon the Appellees.

Because of the time involved in preparing the Appendix, Counsel for the Appellants were unable to address themselves to the timely preparation of Appellants' Brief. In the meantime, several other professional obligations interferred including the preparation for trial and the trial of an important case in Federal Court which had been pending for more than five years and involving many parties and many Counsel and which had been specifically set for trial with the understanding between Counsel and the Court that the trial of the case would not be continued.

The trial referred to was concluded on January 10, 1975 and the preparation of Appellants' Brief is presently in its final stages. Appellants have made all arrangements for the printing of their Brief and expect to file their Brief by January 22, 1975 at the latest and possibly earlier.

The issues involved in this case are complex, require careful consideration and are important to all parties concerned and to the orderly application and administration of the Voting Rights Act of 1965, the extension of which Act the Congress presently has under consideration.

Appellants respectfully request that the Motion To Dismiss Appeal For Failure To Prosecute be denied and that Appellants be granted until January 22, 1975 for filing their Brief herein.

Respectfully submitted,

James R. Stoner
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Attorney for Appellants

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Opposition To Motion To Dismiss Appeal For Failure To Prosecute upon Counsel for the Appellees by mailing a copy thereof this 14th day of January, 1975 by first class mail, postage prepaid, to Stanley A. Halpin, Jr., Esquire, Attorney for Appellees Johnny Jackson, Jr., et al, 344 Camp Street, Suite 1212, New Orleans, Louisiana 70130, and to the Solicitor General of the United States, Attorney for the United States, et al, Department of Justice, Washington, D.C. 20523.

James R. Stoner
Attorney for Appellants